

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHAWNTEL L. GOUDY,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of the Social Security
Administration,

Defendant.

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CIVIL ACTION NO. 17-1113

ORDER

AND NOW, this 21st day of May, 2019, after considering the complaint (Doc. No. 3), the answer (Doc. No. 12), the administrative record (Doc. No. 13), the plaintiff's brief in support of her request for review (Doc. No. 20), the defendant's response to the request for review (Doc. No. 21), the plaintiff's reply to the defendant's response (Doc. No. 25), and the report and recommendation filed by United States Magistrate Judge Thomas J. Rueter (Doc. No. 26); and no party having filed objections to the report and recommendation; accordingly, it is hereby **ORDERED** as follows:

1. The clerk of court shall **REMOVE** this matter from civil suspense and **RETURN** it to the court's active docket;
2. The report and recommendation (Doc. No. 26) is **APPROVED** and **ADOPTED**;¹
3. The plaintiff's request for review is **GRANTED**;

¹ Since neither party filed objections to Magistrate Judge Rueter's report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, . . . this Court will review [the magistrate judge's] Report and Recommendation for clear error." (internal quotation marks omitted)). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The court has reviewed Magistrate Judge Rueter's report for plain error and has found none.

4. The decision of the Commissioner of Social Security Administration is **REVERSED** to the extent the matter is **REMANDED** to the Commissioner pursuant to 42 U.S.C. § 405(g) for further proceedings consistent with the report and recommendation (Doc. No. 26); and

5. The clerk of court shall **CLOSE** this case.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.